

**REMARKS**

This is in response to the Office Action that was mailed on July 20, 2004. Claims 1-5 are amended based upon disclosure throughout the specification, see e.g. the paragraph bridging pages 5-6. Claims 6 and 7 are limited to the most preferred embodiment, as described in lines 5-7 on page 11 of the specification. No new matter is introduced by this Amendment. Entry of this Amendment is respectfully solicited, in order to place the application into condition for allowance or into better condition for appeal. Claims 1-8 are in the application.

Claims 1-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP 10-208708 (JP -708) in view of JP 2000-173564 (JP '564). The rejection is respectfully traversed.

JP '708 and JP '564 disclose batteries having a container made of laminated film, the laminated film being made up of metal foil and high polymer sheets with a TEP of at least 1%. The object of the prior art is to prevent nails from piercing the battery container by using the laminated film having a high polymer sheet with a high TEP.

In contrast, the object of the present invention is to prevent the battery from being brought into a high temperature/high pressure state in an accident by covering the battery container with the high polymer sheet. That is, if for instance a nail pierces the battery of the present invention, the nail pushes the high polymer sheet to a position between the positive and negative electrodes of the

battery container together with the nail, to prevent a high current from instantly flowing between the electrodes. *This feature is now expressly recited in the claims.*

In JP '708 and JP '564, the high polymer sheets may constitute the outermost layer of the battery containers. However, the battery containers are made of laminated film containing both the metal foil and the high polymer sheet.

In contrast, the battery of the present invention is characterized in that the outer peripheral surface of the batter container is covered with a separate ion impermeable and extensible high polymer sheet having a tensile elongation percentage of 1% or more. This double covering feature of the present invention is neither taught nor suggested by JP '708 or by JP '564, alone or in combination.

In the Final Rejection, on page 4, the Examiner argued that "it is noted that the language employed in the instant claims does not preclude the interpretation of the foil of JP '708 as a 'container'.". The present Amendment of claims 1 and 3 proposes claim language which does preclude that construction of the claims herein. Moreover, if the Examiner construes the foil of JP '708 as a "container", it is not seen how the reference reads on claim 2, which has two different high polymer sheets covering (i) a cell structure group and (ii) a battery container. Similar considerations arise with respect to claims 3-5.

Additionally, claims 6 and 7 as amended herein require a polyurethane or fluoropolymer elastomer. As recognized by the Examiner, JP '708 discloses polypropylene and JP '564 discloses olefin elastomer or styrene elastomer. Claims

6 and 7 are thus distinguished over the prior art applied by the Examiner in yet another way.

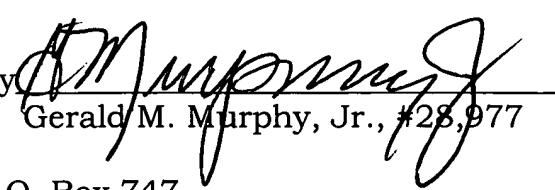
Those of ordinary skill in the art would not derive the features of the invention reflected in the present claims from the disclosures of JP '708 and JP '564, individually or in combination. Accordingly, it is respectfully requested that the rejection of record be withdrawn.

For any questions, the Examiner is respectfully requested to telephone Richard Gallagher, Reg. No. 28,781, at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Gerald M. Murphy, Jr., #28,977

RF  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

GMM/RG/jmb